

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
JUL 31 2006  
JOHN F. CORCORAN, CLERK  
BY:  
DEPUTY CLERK

JAMES EDWARD FERGUSON, JR., )  
Plaintiff, ) Civil Action No. 7:06CV00460  
)  
v. )  
JOHN WEBER, III, )  
Defendant. ) FINAL ORDER  
)  
By: Hon. Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that the above referenced civil action, construed by the court as a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice and stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants, if known.

ENTER: This 31<sup>st</sup> day of July, 2006.

*Glen Conrad*

United States District Judge